



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No.

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
SUITE 2800  
ATLANTA GA 30309

**COPY MAILED**

JAN 3 2002

**OFFICE OF PETITIONS**

In re Application of :  
Richard N. Terry, et al. :  
Application No. 09/189,240 :  
Filed: November 10, 1998 :  
Attorney Docket No. 02700-0420 :

**ON PETITION**

In re Application of :  
Richard N. Terry, et al. :  
Application No. 09/887,680 :  
Filed: October 26, 2001 :  
Attorney Docket No. 02700-0421 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 26, 2001, to withdraw application No. 09/189,240 from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

Petitioners requested that the application be withdrawn from issue for express abandonment in favor of a continuation application filed concurrently therewith. Unfortunately, the petition did not reach the appropriate official for a decision until after December 11, 2001, the date upon which the application issued as U.S. Patent No. 6,329,488. An application which issues as a patent cannot be expressly abandoned.

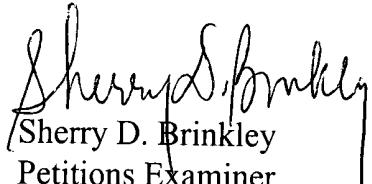
Under the circumstances, the \$130.00 check submitted with the petition under 37 CFR 1.313(c)(3) on October 26, 2001 (Check Number 280265) is being returned. Any inconvenience caused petitioners is regretted.

The application papers submitted with the petition filed October 26, 2001 have been assigned Application No. 09/887,680. Any further communications relating to the continuation application filed on October 26, 2001, should be directed to Application No. 09/887,680.

Application No. 09/189,240 (US Patent No. 6,329,488) is being returned to the files repository.

Application No. 09/887,680 is being forwarded to Initial Patent Examination Division (OIPE) for further processing as a continuation application under 37 CFR 1.53(b), with a filing date of October 16, 2001.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing of the continuation application should be directed to their hotline at (703) 308-1202.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure